

1 AN ACT concerning animals.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Wildlife Code is amended by changing
5 Sections 1.2t, 2.33, 2.33a, and 2.37 and by adding Section
6 1.2y as follows:

7 (520 ILCS 5/1.2t) (from Ch. 61, par. 1.2t)

8 Sec. 1.2t. "Wildlife" means any bird or mammal living in
9 a state of nature without the care of man including all
10 species covered by this Act. It does not include companion
11 animals as defined in the Humane Care for Animals Act (510
12 ILCS 70/).

13 (Source: P.A. 81-382.)

14 (520 ILCS 5/1.2y new)

15 Sec. 1.2y. "Humane euthanasia" means the painless
16 administration of a lethal dose of an agent or a method of
17 euthanasia that causes the painless death of an animal, as
18 prescribed in the Report of the American Veterinary Medical
19 Association Panel on Euthanasia published in the Journal of
20 the American Veterinary Medical Association, March 1, 2001
21 (or any successor version of that Report).

22 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

23 Sec. 2.33. Prohibitions.

24 (a) It is unlawful to carry or possess any gun in any
25 State refuge unless otherwise permitted by administrative
26 rule.

27 (b) It is unlawful to use or possess any snare or
28 snare-like device, deadfall, net, or pit trap to take any
29 species, except that snares not powered by springs or other

1 mechanical devices may be used to trap fur-bearing mammals,
2 in water sets only, if at least one-half of the snare noose
3 is located underwater at all times.

4 (c) It is unlawful for any person at any time to take a
5 wild mammal protected by this Act from its den by means of
6 any mechanical device, spade, or digging device or to use
7 smoke or other gases to dislodge or remove such mammal except
8 as provided in Section 2.37.

9 (d) It is unlawful to use a ferret or any other small
10 mammal which is used in the same or similar manner for which
11 ferrets are used for the purpose of frightening or driving
12 any mammals from their dens or hiding places.

13 (e) (Blank).

14 (f) It is unlawful to use spears, gigs, hooks or any
15 like device to take any species protected by this Act.

16 (g) It is unlawful to use poisons, chemicals or
17 explosives for the purpose of taking any species protected by
18 this Act.

19 (h) It is unlawful to hunt adjacent to or near any peat,
20 grass, brush or other inflammable substance when it is
21 burning.

22 (i) It is unlawful to take, pursue or intentionally
23 harass or disturb in any manner any wild birds or mammals by
24 use or aid of any vehicle or conveyance, except as permitted
25 by the Code of Federal Regulations for the taking of
26 waterfowl. It is also unlawful to use the lights of any
27 vehicle or conveyance or any light from or any light
28 connected to the vehicle or conveyance in any area where
29 wildlife may be found except in accordance with Section 2.37
30 of this Act; however, nothing in this Section shall prohibit
31 the normal use of headlamps for the purpose of driving upon a
32 roadway. Striped skunk, opossum, red fox, gray fox, raccoon
33 and coyote may be taken during the open season by use of a
34 small light which is worn on the body or hand-held by a

1 person on foot and not in any vehicle.

2 (j) It is unlawful to use any shotgun larger than 10
3 gauge while taking or attempting to take any of the species
4 protected by this Act.

5 (k) It is unlawful to use or possess in the field any
6 shotgun shell loaded with a shot size larger than lead BB or
7 steel T (.20 diameter) when taking or attempting to take any
8 species of wild game mammals (excluding white-tailed deer),
9 wild game birds, migratory waterfowl or migratory game birds
10 protected by this Act, except white-tailed deer as provided
11 for in Section 2.26 and other species as provided for by
12 subsection (l) or administrative rule.

13 (l) It is unlawful to take any species of wild game,
14 except white-tailed deer, with a shotgun loaded with slugs
15 unless otherwise provided for by administrative rule.

16 (m) It is unlawful to use any shotgun capable of holding
17 more than 3 shells in the magazine or chamber combined,
18 except on game breeding and hunting preserve areas licensed
19 under Section 3.27 and except as permitted by the Code of
20 Federal Regulations for the taking of waterfowl. If the
21 shotgun is capable of holding more than 3 shells, it shall,
22 while being used on an area other than a game breeding and
23 shooting preserve area licensed pursuant to Section 3.27, be
24 fitted with a one piece plug that is irremovable without
25 dismantling the shotgun or otherwise altered to render it
26 incapable of holding more than 3 shells in the magazine and
27 chamber, combined.

28 (n) It is unlawful for any person, except persons who
29 possess a permit to hunt from a vehicle as provided in this
30 Section and persons otherwise permitted by law, to have or
31 carry any gun in or on any vehicle, conveyance or aircraft,
32 unless such gun is unloaded and enclosed in a case, except
33 that at field trials authorized by Section 2.34 of this Act,
34 unloaded guns or guns loaded with blank cartridges only, may

1 be carried on horseback while not contained in a case, or to
2 have or carry any bow or arrow device in or on any vehicle
3 unless such bow or arrow device is unstrung or enclosed in a
4 case, or otherwise made inoperable.

5 (o) It is unlawful to use any crossbow for the purpose
6 of taking any wild birds or mammals, except as provided for
7 in Section 2.33.

8 (p) It is unlawful to take game birds, migratory game
9 birds or migratory waterfowl with a rifle, pistol, revolver
10 or airgun.

11 (q) It is unlawful to fire a rifle, pistol, revolver or
12 airgun on, over or into any waters of this State, including
13 frozen waters.

14 (r) It is unlawful to discharge any gun or bow and arrow
15 device along, upon, across, or from any public right-of-way
16 or highway in this State.

17 (s) It is unlawful to use a silencer or other device to
18 muffle or mute the sound of the explosion or report resulting
19 from the firing of any gun.

20 (t) It is unlawful for any person to trap or hunt, or
21 allow a dog to hunt, within or upon the land of another, or
22 upon waters flowing over or standing on the land of another,
23 without first obtaining permission from the owner or tenant.
24 It shall be prima facie evidence that a person does not have
25 permission of the owner or tenant if the person is unable to
26 demonstrate to the law enforcement officer in the field that
27 permission had been obtained. This provision may only be
28 rebutted by testimony of the owner or tenant that permission
29 had been given. Before enforcing this Section the law
30 enforcement officer must have received notice from the owner
31 or tenant of a violation of this Section. Statements made to
32 the law enforcement officer regarding this notice shall not
33 be rendered inadmissible by the hearsay rule when offered for
34 the purpose of showing the required notice.

1 (u) It is unlawful for any person to discharge any
2 firearm for the purpose of taking any of the species
3 protected by this Act, or hunt with gun or dog, or allow a
4 dog to hunt, within 300 yards of an inhabited dwelling
5 without first obtaining permission from the owner or tenant,
6 except that while trapping, hunting with bow and arrow,
7 hunting with dog and shotgun using shot shells only, or
8 hunting with shotgun using shot shells only, or on licensed
9 game breeding and hunting preserve areas, as defined in
10 Section 3.27, on property operated under a Migratory
11 Waterfowl Hunting Area Permit, on federally owned and managed
12 lands and on Department owned, managed, leased or controlled
13 lands, a 100 yard restriction shall apply.

14 (v) It is unlawful for any person to remove fur-bearing
15 mammals from, or to move or disturb in any manner, the traps
16 owned by another person without written authorization of the
17 owner to do so.

18 (w) It is unlawful for any owner of a dog to knowingly
19 or wantonly allow his or her dog to pursue, harass or kill
20 deer.

21 (x) It is unlawful for any person to wantonly or
22 carelessly injure or destroy, in any manner whatsoever, any
23 real or personal property on the land of another while
24 engaged in hunting or trapping thereon.

25 (y) It is unlawful to hunt wild game protected by this
26 Act between one half hour after sunset and one half hour
27 before sunrise, except that hunting hours between one half
28 hour after sunset and one half hour before sunrise may be
29 established by administrative rule for fur-bearing mammals.

30 (z) It is unlawful to take any game bird (excluding wild
31 turkeys and crippled pheasants not capable of normal flight
32 and otherwise irretrievable) protected by this Act when not
33 flying. Nothing in this Section shall prohibit a person from
34 carrying an uncased, unloaded shotgun in a boat, while in

1 pursuit of a crippled migratory waterfowl that is incapable
2 of normal flight, for the purpose of attempting to reduce the
3 migratory waterfowl to possession, provided that the attempt
4 is made immediately upon downing the migratory waterfowl and
5 is done within 400 yards of the blind from which the
6 migratory waterfowl was downed. This exception shall apply
7 only to migratory game birds that are not capable of normal
8 flight. Migratory waterfowl that are crippled may be taken
9 only with a shotgun as regulated by subsection (j) of this
10 Section using shotgun shells as regulated in subsection (k)
11 of this Section.

12 (aa) It is unlawful to use or possess any device that
13 may be used for tree climbing or cutting, while hunting
14 fur-bearing mammals.

15 (bb) It is unlawful for any person, except licensed game
16 breeders, pursuant to Section 2.29 to import, carry into, or
17 possess alive in this State any species of wildlife taken
18 outside of this State, without obtaining permission to do so
19 from the Director.

20 (cc) It is unlawful for any person to have in his or her
21 possession any freshly killed species protected by this Act
22 during the season closed for taking.

23 (dd) It is unlawful to take any species protected by
24 this Act and retain it alive.

25 (ee) It is unlawful to possess any rifle while in the
26 field during gun deer season except as provided in Section
27 2.26 and administrative rules.

28 (ff) It is unlawful for any person to take any species
29 protected by this Act, except migratory waterfowl, during the
30 gun deer hunting season in those counties open to gun deer
31 hunting, unless he or she wears, when in the field, a cap and
32 upper outer garment of a solid blaze orange color, with such
33 articles of clothing displaying a minimum of 400 square
34 inches of blaze orange material.

1 (gg) It is unlawful during the upland game season for
2 any person to take upland game with a firearm unless he or
3 she wears, while in the field, a cap of solid blaze orange
4 color. For purposes of this Act, upland game is defined as
5 Bobwhite Quail, Hungarian Partridge, Ring-necked Pheasant,
6 Eastern Cottontail and Swamp Rabbit.

7 (hh) It shall be unlawful to kill or cripple any species
8 protected by this Act for which there is a daily bag limit
9 without making a reasonable effort to retrieve such species
10 and include such in the daily bag limit.

11 (ii) This Section shall apply only to those species
12 protected by this Act taken within the State. Any species or
13 any parts thereof, legally taken in and transported from
14 other states or countries, may be possessed within the State,
15 except as provided in this Section and Sections 2.35, 2.36
16 and 3.21.

17 (jj) Nothing contained in this Section shall prohibit
18 the use of bow and arrow, or prevent the Director from
19 issuing permits to use a crossbow to handicapped persons as
20 provided by administrative rule. As used herein,
21 "handicapped persons" means those persons who have a
22 permanent physical impairment due to injury or disease,
23 congenital or acquired, which renders them so severely
24 disabled as to be unable to use a conventional bow and arrow
25 device. Permits will be issued only after the receipt of a
26 physician's statement confirming the applicant is handicapped
27 as defined above.

28 (kk) Nothing contained in this Section shall prohibit
29 the Director from issuing permits to paraplegics or to other
30 disabled persons who meet the requirements set forth in
31 administrative rule to shoot or hunt from a vehicle as
32 provided by that rule, provided that such is otherwise in
33 accord with this Act.

34 (ll) Nothing contained in this Act shall prohibit the

1 taking of aquatic life protected by the Fish and Aquatic Life
2 Code or birds and mammals protected by this Act, except deer
3 and fur-bearing mammals, from a boat not camouflaged or
4 disguised to alter its identity or to further provide a place
5 of concealment and not propelled by sail or mechanical power.
6 However, only shotguns not larger than 10 gauge nor smaller
7 than .410 bore loaded with not more than 3 shells of a shot
8 size no larger than lead BB or steel T (.20 diameter) may be
9 used to take species protected by this Act.

10 (mm) Nothing contained in this Act shall prohibit the
11 use of a shotgun, not larger than 10 gauge nor smaller than a
12 20 gauge, with a rifled barrel.

13 (nn) Drowning, burning, and using household products or
14 solvents are unlawful methods of euthanasia for any species
15 protected by this Act.

16 (Source: P.A. 91-654, eff. 12-15-99; 92-325, eff. 8-9-01;
17 92-651, eff. 7-11-02.)

18 (520 ILCS 5/2.33a) (from Ch. 61, par. 2.33a)

19 Sec. 2.33a. (a) It is unlawful to fail to visit and
20 remove all animals from traps staked out, set, used, tended,
21 placed or maintained at least once each calendar day.

22 (b) It is unlawful for any person to place, set, use, or
23 maintain a leghold trap or one of similar construction on
24 land, that has a jaw spread of larger than 6 1/2 inches (16.6
25 CM), or a body-gripping trap or one of similar construction
26 having a jaw spread larger than 7 inches (17.8 CM) on a side
27 if square and 8 inches (20.4 CM) if round;

28 (c) It is unlawful for any person to place, set, use, or
29 maintain a leghold trap or one of similar construction in
30 water, that has a jaw spread of larger than 7 1/2 inches
31 (19.1 CM), or a body-gripping trap or one of similar
32 construction having a jaw spread larger than 10 inches (25.4
33 CM) on a side if square and 12 inches (30.5 CM) if round;

1 (d) It is unlawful to use any trap with saw-toothed,
2 spiked, or toothed jaws;

3 (e) It is unlawful to destroy, disturb or in any manner
4 interfere with dams, lodges, burrows or feed beds of beaver
5 while trapping for beaver or to set a trap inside a muskrat
6 house or beaver lodge, except that this shall not apply to
7 Drainage Districts who are acting pursuant to the provisions
8 of Section 2.37;

9 (f) It is unlawful to trap beaver with: (1) a leghold
10 trap or one of similar construction having a jaw spread of
11 less than 5 1/2 inches (13.9 CM) or more than 7 1/2 inches
12 (19.1 CM), or (2) a body-gripping trap or one of similar
13 construction having a jaw spread of less than 7 inches (17.7
14 CM) or more than 10 inches (25.4 CM) on a side if square and
15 12 inches (30.5 CM) if round, except that these restrictions
16 shall not apply during the open season for trapping muskrats;

17 (g) It is unlawful to set traps closer than 10 feet
18 (3.05 M) from any hole or den which may be occupied by a game
19 mammal or fur-bearing mammal except that this restriction
20 shall not apply to water sets.

21 (h) It is unlawful to trap or attempt to trap any
22 fur-bearing mammal with any colony, cage, box, or stove-pipe
23 trap designed to take more than one mammal at a single
24 setting.

25 (i) It is unlawful for any person to set or place any
26 trap designed to take any fur-bearing mammal protected by
27 this Act during the closed trapping season. Proof that any
28 trap was placed during the closed trapping season shall be
29 deemed prima facie evidence of a violation of this provision.

30 (j) It is unlawful to place, set, or maintain any
31 leghold trap or one of similar construction within thirty
32 (30) feet (9.14 m) of bait placed in such a manner or
33 position that it is not completely covered and concealed from
34 sight, except that this shall not apply to underwater sets.

1 Bait shall mean and include any bait composed of mammal,
2 bird, or fish flesh, fur, hide, entrails or feathers.

3 (k) It shall be unlawful for hunters or trappers to have
4 the green hides of fur-bearing mammals, protected by this
5 Act, in their possession except during the open season and
6 for an additional period of 10 days succeeding such open
7 season.

8 (l) It is unlawful for any person to place, set, use, or
9 maintain a ~~snare trap or one of similar construction~~ in
10 ~~water, that has a loop diameter exceeding 15 inches (38.1 CM)~~
11 ~~or a cable or wire diameter of more than 1/8 inch (3.2 MM) or~~
12 ~~less than 5/64 inch (2.0 MM), that is constructed of~~
13 ~~stainless steel metal cable or wire, and that does not have a~~
14 ~~mechanical lock, anchor swivel and stop device to prevent the~~
15 ~~mechanical lock from closing the noose loop to a diameter of~~
16 ~~less than 2 1/2 inches (6.4 CM).~~

17 (Source: P.A. 85-152; 86-1354.)

18 (520 ILCS 5/2.37) (from Ch. 61, par. 2.37)

19 Sec. 2.37. Authority to kill wildlife responsible for
20 damage. Subject to federal regulations and Section 3 of the
21 Illinois Endangered Species Act, the Department may authorize
22 owners and tenants of lands or their agents to remove or
23 destroy any wild bird or wild mammal when the wild bird or
24 wild mammal is known to be destroying property or causing a
25 risk to human health or safety upon his or her land.

26 Upon receipt by the Department of information from the
27 owner, tenant, or sharecropper that any one or more species
28 of wildlife is damaging dams, levees, ditches, or other
29 property on the land on which he resides or controls,
30 together with a statement regarding location of the property
31 damages, the nature and extent of the damage, and the
32 particular species of wildlife committing the damage, the
33 Department shall make an investigation.

1 If, after investigation, the Department finds that damage
2 does exist and can be abated only by removing or destroying
3 that wildlife, a permit shall be issued by the Department to
4 remove or destroy the species responsible causing the damage.
5 The species shall be either (i) given to a licensed wildlife
6 rehabilitator or (ii) humanely euthanized by the painless
7 administration of a lethal dose of an agent or a method of
8 euthanasia that causes the painless death of an animal, as
9 prescribed in the Report of the American Veterinary Medical
10 Association Panel on Euthanasia published in the Journal of
11 the American Veterinary Medical Association, March 1, 2001 (or
12 any successor version of that Report). Unacceptable methods
13 include, but are not limited to, burning, drowning, and other
14 unlawful practices. Unacceptable agents include, but are not
15 limited to, household products or solvents.

16 A permit to control the damage shall be for a period of
17 up to 90 days, shall specify the means and methods by which
18 and the person or persons by whom the wildlife may be removed
19 or destroyed, and shall set forth the disposition procedure
20 to be made of all wildlife taken and other restrictions the
21 Director considers necessary and appropriate in the
22 circumstances of the particular case. Whenever possible, the
23 wildlife shall be given to a licensed wildlife rehabilitator.
24 If humane euthanasia is the disposition, the specimens
25 destroyed shall be given to a bona-fide public or State
26 scientific, educational, or zoological institution.

27 The permittee shall advise the Department in writing,
28 within 10 days after the expiration date of the permit, of
29 the number of individual species of wildlife taken,
30 disposition made of them, and any other information which the
31 Department may consider necessary.

32 Subject to federal regulations and Section 3 of the
33 Illinois Endangered Species Act, the Department may grant to
34 an individual, corporation, association or a governmental

1 body the authority to control species protected by this Code.
 2 Any method or agent of euthanasia used must be prescribed as
 3 acceptable or conditionally acceptable in the Report of the
 4 American Veterinary Medical Association Panel on Euthanasia
 5 published in the Journal of the American Veterinary Medical
 6 Association, March 1, 2001 (or any successor version of that
 7 Report). The Department shall set forth applicable
 8 regulations in an Administrative Order and shall may require
 9 periodic reports listing species taken; numbers of each
 10 species taken; dates when taken; method or agent of
 11 euthanasia used, if applicable; licensed wildlife
 12 rehabilitator used, if applicable; and other pertinent
 13 information.

14 Drainage Districts shall have the authority to control
 15 beaver provided that they must notify the Department in
 16 writing that a problem exists and of their intention to trap
 17 the animals at least 7 days before the trapping begins. The
 18 District must identify traps used in beaver control outside
 19 the dates of the furbearer trapping season with metal tags
 20 with the district's name legibly inscribed upon them. During
 21 the furtrapping season, traps must be identified as
 22 prescribed by law. Conibear traps at least size 330 shall be
 23 used except during the statewide furbearer trapping season.
 24 During that time trappers may use any device that is legal
 25 according to the Wildlife Code. ~~Except during the statewide~~
 26 ~~furbearer trapping season, beaver traps must be set in water~~
 27 ~~at least 10 inches deep.~~ Except during the statewide
 28 furbearer trapping season, traps must be set within 10 feet
 29 of an inhabited bank burrow or house and within 10 feet of a
 30 dam maintained by a beaver. No beaver or other furbearer
 31 taken outside of the dates for the furbearer trapping season
 32 may be sold. All animals must be given to the nearest
 33 conservation officer or other Department of Natural Resources
 34 representative within 48 hours after they are caught.

1 Furbearers taken during the fur trapping season may be sold
2 provided that they are taken by persons who have valid
3 trapping licenses in their possession and are lawfully taken.
4 The District must submit an annual report showing the species
5 and numbers of animals caught and their disposition,
6 including the method or agent of euthanasia. The report must
7 indicate all species which were taken.
8 (Source: P.A. 91-654, eff. 12-15-99.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.